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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,456	07/22/2003	Su-Chen Lin	WISP0023USA	1455
27765	7590	12/04/2006	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			PHAM, THAI V	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/604,456		LIN, SU-CHEN	
	Examiner		Art Unit	
	Thai Van Pham		2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 3, 9, 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the initial office action based on the application filed on 7/22/2003.

Priority date that has been considered for this application is 7/22/2003.

Claims 1 – 12 are currently pending and have been considered below.

Specification

1. The disclosure is objected to because of the following informalities: typographical errors. The following listing of typographical errors is not meant to complete and exhaustive of all typographical errors in the specification. Applicant is fully responsible for performing spell checking to properly identify and correct all typographical errors.

-- In the first sentence of paragraph [0004]: a space is missing between "execution" and "takes": "an interpreter program can translate source code while ~~execution~~takes execution takes place."

-- In the first sentence of paragraph [0004]: a space is missing between "*execution*" and "*takes*": "...*an interpreter program can translate source code while ~~execution~~takes execution takes place.*"

-- In the second sentence of paragraph [0030]: a space is missing between "*are*" and "*not*": "...*the results made by the conventional test programs ~~are~~~~not~~ are not accurate.*"

-- In the last sentence of paragraph [0030]: a space is missing between "*for*" and "*the*": "...*the test program already written ~~for~~~~the~~ for the DOS F language ...*".

Appropriate corrections are required.

Claim Objections

2. Claims 3, 9, and 11 are objected to because of the following informalities:

typographical error.

-- Claims 3 and 9: the word "*operating*" is missing between "*WindowsTM*" and "*system*":

"*a WindowsTM operating system*".

-- Claim 11: a white space is missing between "*parse*" and "*to*": "*...the second ~~parseto~~ parser to an output port.*"

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3 and 9 contain the trademark/trade name *WindowsTM*. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe the operating system and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 12 are rejected under 35 U.S.C. 102(e) as being anticipated by **Hodge** (US 6,715,141).

Examiner's Note: The first and second parsers of the claimed interpreter are software components that are made up purely of program instructions. These two parsers can, therefore, be implemented as separate software entities performing separate parsing functions as disclosed by Applicant or as a single software entity capable of performing all parsing functions as disclosed by **Hodge**. It is just a matter of implementation choices to chose one or the other for performing the same parsing functions.

-- Claim 1.

Hodge discloses *a computer system* (Col. 1, lines 5 – 8: "The present invention relates generally to computer programming language interpreter and particularly, to system and method for multiphase single pass interpreter.") *comprising*:

- *a memory comprising*:

(All computer systems must inherently contain memory components for data storage.)

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- *a message center,*

(Fig. 1, item 114 – “p-code generator/executor” – and associated text, e.g., Col. 4, lines 9 – 45.

Fig. 1, item 120 – “expression evaluator” – and associated text, e.g., Col. 3, lines 33 – 44.)

- *an interpreter for interpreting data in a multiple task system, the interpreter comprising:*

(Fig. 1, item 100 – “multiphase single pass interpreter”.)

- *a scanner for reading at least one command from an input port and providing a token according to the category of the command;*

(Fig. 1, items 118 and 106 – “scanner” and “lexical analyzer” – and associated text, e.g., Col. 3, lines 7 – 23.)

- *a first parser for interpreting the command when the token indicates the first parser; and*

(Fig. 1, item 110 – “parser” – and associated text, e.g., Col. 3, lines 24 – 30. Col. 4, lines 1 – 8. “...The parsed commands are executed immediately unless they are wrapped in a control logic block...”)

- *a second parser for interpreting the command when the token indicates the second parser, for temporarily storing data generated after interpreting the command into the message center in the memory, and for executing the data stored in the message center after interpreting all other corresponding commands; and*

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(Fig. 1, item 110 – “parser” – and associated text, e.g., Col. 3, lines 24 – 30.

Fig. 1, item 114 – “-p-code generator/executor” – and associate text, e.g., Col 4, lines 9 – 46.)

- *a processor for processing programs and data stored in the memory.*

(All computer systems must inherently contain a processor for executing instructions, processing data, displaying results, etc., e.g., Fig. 8.)

-- Claim 2.

Hodge discloses *the computer system of claim 1 wherein the interpreter further comprises:*

- *a symbol table for providing a mapping of commands and symbols, in order to convert symbols input at the input port into commands.*

(Fig. 1, item 112 – “symbol table” – and associated text, e.g., Col. 3, lines 50 – 56.)

-- Claim 3.

Hodge discloses *the computer system of claim 1 wherein*

- *the multiple task system is a WindowsTM system.*

(Col. 3, lines 57 – 67: “DynaScript®” is a programming language operable on WindowsTM systems.

See attached NPL “Brochure” of “DynaScript Technologies” for more details.)

-- Claim 4.

Hodge discloses *the computer system of claim 1 wherein*

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- *the input port is a command line or a script file.*

(Fig. 1, item 102 – “source buffer” – and associated text, e.g., Col. 3, lines 5 – 14.

“...source code ...character stream...”.)

-- Claim 5.

Hodge discloses *the computer system of claim 1 wherein*

- *the first parser and the second parser can output data generated after interpreting the command by the first parser and the second parser to an output port.*

(Col. 3, lines 63 – 65. “All output, including the evaluated expressions is directly sent to the stand output, e.g., STDOUT stream.”)

-- Claim 6.

Hodge discloses *the computer system of claim 5 wherein*

- *the output port is a file stored in the memory.*

(All output generated by an interpreter, or any software application, that needs to be retained must inherently be stored as a file in memory regardless of whether or not the result is to be displayed for view to the user.)

-- Claims 7 – 12: are method claims for performing a method corresponding to the method performed by the system of claims 1 – 6, respectively; Therefore, claims 7 – 12 are rejected for the same reason set forth in connection to the rejection of claims 1 – 6 above, respectively.

Conclusion


The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. See the attached Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Van Pham whose telephone number is (571) 270-1064. The examiner can normally be reached on Monday - Thursday, 8am - 3pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TVP



TUAN DAM
SUPERVISORY PATENT EXAMINER